

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

|                          |   |                            |
|--------------------------|---|----------------------------|
| United States of America | ) |                            |
|                          | ) | Cr. No. 8:06-246–HMH       |
| vs.                      | ) |                            |
|                          | ) | <b>OPINION &amp; ORDER</b> |
| Issac Jermaine Brown,    | ) |                            |
|                          | ) |                            |
| Movant.                  | ) |                            |

This matter is before the court on Issac Jermaine Brown’s (“Brown”) pro se motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to alter or amend the court’s March 5, 2009 order (“March Order”) summarily dismissing Brown’s motion pursuant to 28 U.S.C. § 2255.

A motion to alter or amend the judgment under Rule 59(e) may be made on three grounds: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). “Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of the judgment . . . .” Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998). “In general reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” Id. (internal citation and quotation marks omitted).

In his motion, Brown reasserts the allegations made in his original motion pursuant to § 2255 and presents no new facts or evidence that alter the court's original findings settled by the March Order. Therefore, Brown's motion is denied.

Therefore, it is

**ORDERED** that Brown's motion to alter or amend judgment, docket number 67, is denied.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
March 23, 2009

**NOTICE OF RIGHT TO APPEAL**

The Movant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.